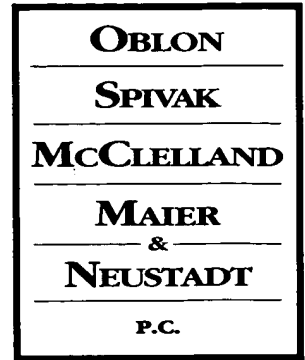




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AF 1751



Docket No.: 210374US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/903,785

Applicants: Laurence SEBILLOTTE-ARNAUD, et al.

Filing Date: July 13, 2001

For: CLEANSING COSMETIC COMPOSITION

Group Art Unit: 1751

Examiner: N. Ogden, Jr.

ATTORNEYS AT LAW

RICHARD L. TREANOR
(703) 412-6007
RTREANOR@OBLON.COM

JEFFREY B. MCINTYRE
(703) 413-3000
JMCINTYRE@OBLON.COM
BAR OTHER THAN VIRGINIA

SIR:

Attached hereto for filing are the following papers:

Request for Reconsideration.

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor

Registration No. 36,379

Jeffrey B. McIntyre

Registration No. 36,867

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



Docket No. 210574US0

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Laurence SEBILLOTTE-ARNAUD, et al. : EXAMINER: N. Ogden, Jr.
SERIAL NO: 09/903,785 :
FILED: July 13, 2001 : GROUP ART UNIT: 1751
FOR: CLEANSING COSMETIC COMPOSITION

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

In response to the Office Action mailed November 5, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

The Office Action rejected claims 1-22 under 35 U.S.C. § 103 as obvious over U.S. patent 6,277,797 ("Glenn"). The claimed invention requires the presence of an oxyalkylenated thickening agent in a composition thickening effective amount. For such compounds to be thickening agents, they must have a substantial degree of oxyalkylation. (See, pages 9-15 of the present application).

In contrast, Glen discloses oxyalkenylated compounds suitable for use in his liquid compositions as humectants, solutes and surfactants. Given the purpose for which Glen includes such compounds in his compositions, these compounds are not going to have a substantial degree of oxyalkylation, which means that they will not be thickening agents. This is particularly true in view of the fact that Glen's compositions are liquid.

Based on Glenn's disclosure, one skilled in the art would not be motivated to use oxyalkylenated thickening agents, but rather compounds which lather or maintain the liquid nature of compositions. In other words, no motivation would exist to modify Glenn's liquid compositions by adding any thickening agents, let alone oxyalkylenated thickening agents. Accordingly, Glen neither teaches nor suggests the claimed invention which requires the presence of oxyalkylenated thickening agents present in a composition thickening effective amount.

Glenn's col. 4, line 30 through col. 5, line 67 does not change this fact: this disclosure relates to silica (which is not hydrophilic), not to oxyalkylenated compounds. Thus, this disclosure cannot teach or suggest adding oxyalkylenated thickening agents in a composition thickening effective amount.

The significance of the requirement that the claimed oxyalkylenated compounds be thickening agents is demonstrated by the examples in the present application. Comparative example 2 (pages 24-25) does not contain PEG-120 methylglucose dioleate, an oxyalkylenated thickening agent, but it does contain two of Glenn's acceptable solutes/humectants, sorbitol and glycerol. (See, Glenn at col. 13, lines 14-15). This composition is a "translucent liquid product like water." Thus, compositions containing only Glenn's solutes/humectants result in unacceptable products. However, when PEG-120 methylglucose dioleate is added in a composition thickening effective amount, the resulting composition is a "thick translucent gel." (Example 1, pages 24-25). Thus, adding the claimed oxyalkylenated compound in a composition thickening effective amount results in a thick, "soft-solid" composition. (See, page 3, line 25 through page 4, line 1).

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What's more, the comparative examples on pages 24-25 demonstrate that if one of the claimed elements (foaming surfactant, hydrophilic silica, oxyalkylenated thickening agent) is missing from a composition, the resulting composition is unacceptable. These examples demonstrate the criticality of having all three of these elements present in the same composition.

In summary, Glenn neither teaches nor suggests the claimed invention which requires the presence of an oxyalkylenated thickening agent in a composition thickening effective amount. Rather, Glen discloses liquid compositions and suggests that such compositions may contain oxyalkenylated humectants, solutes and surfactants. As demonstrated in the present application, compositions containing only Glenn's solutes/humectants/surfactants result in unacceptable products, whereas compositions containing the claimed oxyalkylenated thickening agents result in beneficial products having superior properties. In other words, the claimed invention represents an advance in the art neither taught nor suggested by Glenn.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 is improper and should be withdrawn.

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel #: (703) 413-3000

Fax #: (703) 413-2220

A handwritten signature in black ink, appearing to read 'R. Treanor', with a long horizontal line extending to the right.

Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867